

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BELLAHAUEL BENOTMANE,

Petitioner

v.

JOSEPH F. MCDONOUGH, SHERIFF,
PLYMOUTH COUNTY,

Respondent

Civil Action No.
04CV10049-WGY

RESPONDENT'S RESPONSE TO ORDER TO SHOW CAUSE, AND
NOTICE OF INTENT TO EXECUTE REMOVAL ORDER

Respondent¹ hereby responds to the Order of the Court dated March 10, 2004, directing respondent to demonstrate good cause in writing why a writ of habeas corpus should not be issued, and also informs the Court of its intention to execute the final order of removal against petitioner **on March 18, 2004.**

Respondent advises the Court that it regrets the fact that petitioner was not removed as scheduled on February 24, 2004. In fact petitioner was scheduled for removal on that date, but the travel document from the Algerian Consulate, promised by the Algerian Consulate to be delivered timely by courier service, was misdirected to an office other than the Boston office of respondent, and so removal could not be enforced as scheduled.

¹ As of a DHS restructuring effective June 9, 2003, the responsive successor official of the Department of Homeland Security having control of petitioner's immigration custody in the instant action is Bruce Chadbourne, Interim Field Director

After additional communication with the Algerian Consulate -- which has apologized to respondent for the misdirected mail -- removal has again been scheduled for petitioner, to occur on **March 18, 2004**, again contingent upon receipt of the travel document from the Algerian Consulate. That travel document has been promised to arrive by courier service on March 11, or March 12, 2004.

The Court should not yet issue a writ of habeas corpus, because petitioner's earlier removal was scheduled in good faith by respondent for February 24, 2004, upon assurances from the Algerian government that it would timely transmit the necessary travel document to respondent. The document was apparently issued by them, but then misdirected to another office, not Boston, Massachusetts. From all appearances, the mailing error was genuinely innocent, albeit nonetheless unfortunate and resulting in a regrettable extension of petitioner's detention pending removal.

Respondent now informs the Court of its intent to remove petitioner from the United States on **March 18, 2004**.

However, if the newly-promised travel document from the Algerian Consulate is not received by 3:00 p.m. on March 12, 2004, petitioner will be released by respondent upon an order of

for Detention and Removal, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts.

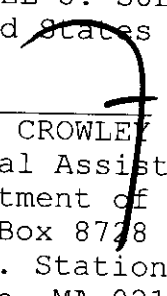
supervision.² If the necessary travel document is received by 3:00 p.m. March 12, 2004, and yet for some unexpected reason petitioner is not removed as scheduled on **March 18, 2004**, respondent will also release petitioner upon an order of supervision.

Respondent is also conscious of and regrets the additional time and effort spent by the Court in revisiting this matter, which should have concluded by the removal of petitioner as scheduled on February 24, 2004.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

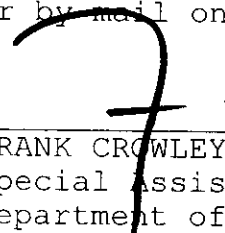
By:

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FRANK CROWLEY
Special Assistant U.S. Attorney
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Boston, MA 02114
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² An Order of Supervision requires petitioner to report periodically to the local office of respondent for review of any developments in his administrative removal status. There is no bond requirement.

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by mail on March 10, 2004.


FRANK CROWLEY
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